



**PRE-ENACTMENT ADVOCACY OF THE LEGISLATIVE PROPOSALS OF
THE EXPLOSIVES ACT, CAP.298**

CONCEPT PAPER

AUGUST 2022

TABLE OF CONTENTS

PRE-ENACTMENT ADVOCACY OF THE LEGISLATIVE PROPOSALS OF THE EXPLOSIVES ACT, CAP.298	3
1.0 INTRODUCTION	3
1.1 BACKGROUND AND CONTEXT	3
1.2 OBJECTIVES OF THE PRE- ENACTMENT ADVOCACY	4
1.3 JUSTIFICATION FOR THE PRE- ENACTMENT ADVOCACY	4
1.4 METHODOLOGY	4
1.5 TARGETED GROUP FOR THE PRE- ENACTMENT ADVOCACY	6
1.6 DURATION OF THE PRE- ENACTMENT ADVOCACY	6
1.7 EXPECTED OUTPUT.....	6
1.8 WORKPLAN AND BUDGET	6

PRE-ENACTMENT ADVOCACY OF THE LEGISLATIVE PROPOSALS OF THE EXPLOSIVES ACT, CAP.298

1.0 INTRODUCTION

The Uganda Law Reform Commission undertook review of the Explosives Act, Cap. 298 in order to make the law more responsive to the prevailing needs of Uganda. The Study report and legislative proposals were submitted to the Ministry of Internal Affairs. The Ministry has since prepared legislative principles which are yet to be considered by Cabinet. The Commission intends to undertake pre-enactment advocacy on the Principles with key stakeholders to facilitate the fast tracking of enactment of the legislative proposals by Parliament.

1.1 BACKGROUND AND CONTEXT

The Explosives Act, Cap. 298 was enacted in 1936 to regulate the manufacture, storage, sale, transportation, importation, exportation and the use of explosives in Uganda. The Act applies to all explosives except explosives used by the Uganda Peoples Defence Forces and Uganda Police Force, other ammunitions regulated by any other law, explosive materials used in mines, explosives used as samples or the sale of fireworks as prescribed in the Explosives Rules SI-298.

The review of the Explosives Act by the Commission was intended to examine the provisions of the Act, establish challenges faced in implementation of the Act to make proposals for modification of the law to regulate the explosives industry.

The Study made proposals geared towards improving the legal framework on explosives in Uganda. The Study recommended among other things, that:

- a) a National Explosives Committee should be set up to advise on the use, manufacture, dealing, storage, import, export and transportation of explosive.
- b) licences should be granted for use or dealing with explosives.
- c) precautionary measures should be taken to arrest the charges and risks posed by blasting of explosives.
- d) Companies that deal in explosives should be required by law to put in place a safety and health policy for its workers.

- e) The offences and penalties in the Act should be enhanced to make them more deterrent.

The legislative proposals made by the study were reduced into Cabinet Principles that were developed by the Ministry of Internal Affairs together with a Technical Committee on Explosives set up the Ministry which Uganda Law Reform Commission is a member. These Principles need to be further validated, there is need to build consensus on the Principles in order to create ownership among the stakeholders. It is against this background that pre-enactment advocacy has been planned.

1.2 OBJECTIVES OF THE PRE- ENACTMENT ADVOCACY

The overall objective of the pre-enactment advocacy is to create awareness and promote ownership of the Principles by the relevant stakeholders as well as ensure that the users of the law's contributions are captured in the legislative proposals.

Specific objectives

- a) to create awareness of the principles;
- b) to validate the principles by the stakeholders;
- c) to build consensus on the principles; and
- d) ensure that the stakeholders are involved in the law reform process.

1.3 JUSTIFICATION FOR THE PRE- ENACTMENT ADVOCACY

The Pre-enactment advocacy is to:

- a) Raise awareness about the Study and proposals of the Study.
- b) Enhance knowledge about the Principles and the justification for the proposals to facilitate ownership of the Principles.
- c) Advocacy provides opportunity to share information, experiences and good practice as well as discover areas for legal reform.

1.4 METHODOLOGY

The Pre- Enactment Advocacy shall be carried out through the following planned activities:

1) Development of advocacy materials

The advocacy materials will include an updated Cabinet Memorandum and the development of a Regulative Impact Assessment (RIA). These documents will be discussed with key stakeholders during the meetings to enable them provide input and create ownership.

2) Technical Working Group

A technical working group will be constituted to consider the principles and prepare an updated Cabinet Memorandum. The Technical working group will consist of officials from the Ministry of Internal Affairs, Uganda Police Force, Uganda Peoples Defence Forces, Ministry of Justice and Constitutional Affairs (First Parliament Counsel), Ministry of Defence, Parliamentary Commission, Dealers and Quarry operators and Uganda Law Reform Commission.

3) Peer review meeting

The advocacy materials will then be peer reviewed by the department of law reform. The purpose of the peer review meeting is to improve on the materials by getting the different ideas from the members of the department. This will also create ownership of the information that will later be passed on to the stakeholders.

4) Stakeholder engagements

Consultative meetings will be held with selected stakeholders. The consultative engagements are intended to create awareness and promote ownership of the Principles by the relevant stakeholders as well as ensure that the users of the law's input have been catered for in the legislative proposals. 10 meetings have been planned for this activity.

5) Advocacy Report

At the end of the pre-enactment exercise, an advocacy report will be developed.

1.5 TARGETED GROUP FOR THE PRE- ENACTMENT ADVOCACY

Each of the targeted groups for the pre-enactment advocacy is justified based on the intended purpose of this process. The purpose is to create awareness and ownership of the Principles by the relevant stakeholders as well as ensure that the users of the law's input have been catered for in the legislative proposals. The Commission is of the view that these targeted stakeholder consultations are the users and implementers of the proposed legislative proposals.

The targeted groups include-:

- 1) Uganda Police Force.
- 2) Local Governments
- 3) Dealers in explosives (Importers and Suppliers)
- 4) Ministry of minerals and energy.
- 5) Luwero Industries.
- 6) Kyoga Dynamics Limited.
- 7) Quarry operators.
- 8) the Judiciary.
- 9) Uganda Revenue Authority (URA). Customs.
- 10) National Enterprise Corporation (NEC)
- 11) The Media.

1.6 DURATION OF THE PRE- ENACTMENT ADVOCACY

The pre- enactment advocacy is intended to be completed within the FY 2022/2023.

1.7 EXPECTED OUTPUT

The following is the expected output from the pre- enactment advocacy exercise:

- 1) Advocacy Materials;
- 2) Increased awareness of the Cabinet Principles;
- 3) Increased ownership of the Principles; and
- 4) Advocacy Report containing recommendations from the pre -enactment advocacy.

1.8 WORKPLAN AND BUDGET

Attached herewith.

